

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 05-cv-11039

Southeast Floating Docks, Inc.,

v.

AGM Marine Contractors, Inc., et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 8/12/05.

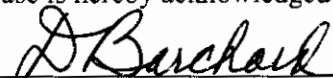
In testimony whereof, I hereunto set my hand and affix the seal of this Court on August 18, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 8/18/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11039-EFH**

Southeast Floating Docks, Inc. v. AGM
Marine Contractors, Inc. et al
Assigned to: Judge Edward F. Harrington
Cause: 28:1332 Diversity-Contract Dispute

Date Filed: 05/18/2005
Jury Demand: None
Nature of Suit: 190 Contract:
Other
Jurisdiction: Diversity

Plaintiff

**Southeast Floating Docks,
Inc.**

represented by **David G. Hanrahan**
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V.

Defendant

**AGM Marine Contractors,
Inc.**

Defendant

**Childs Engineering
Corporation**

Defendant

Town of Provincetown

represented by **David J. Doneski**
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Date Filed	#	Docket Text
05/18/2005	<u>1</u>	COMPLAINT against AGM Marine Contractors, Inc., Childs Engineering Corporation, Town of Provincetown Filing fee: \$ 250, receipt number 64394, filed by Southeast Floating Docks, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Catagory cover sheet)(Holahan, Sandra) (Entered: 05/19/2005)
05/18/2005	<u>2</u>	MOTION for Leave to Appear Pro Hac Vice by Rosemary H Hayes and Tina L. Caraballo Filing fee \$ 100.00, receipt number 64394. by Southeast Floating Docks, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Holahan, Sandra) (Entered: 05/19/2005)
05/18/2005		Judge Edward F. Harrington : Electronic ORDER entered granting <u>2</u> Motion for Leave to Appear Pro Hac Vice Added Rosemary H. Hayes for Southeast Floating Docks, Inc., Tina L. Caraballo for Southeast Floating Docks, Inc. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 05/19/2005)
05/18/2005	<u>3</u>	MOTION for short order of notice by Southeast Floating Docks, Inc..(Holahan, Sandra) (Entered: 05/19/2005)
05/18/2005		Judge Edward F. Harrington : Electronic ORDER entered granting <u>3</u> Motion for short order of notice. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 05/19/2005)
05/18/2005	<u>4</u>	Judge Edward F. Harrington : ORDER entered. re <u>1</u> Complaint for Stay of Arbitration Proceeding and Enforce Arbitration Subpoenas, filed by Southeast Floating Docks, Inc., Hearing set for 6/1/2005 02:00 PM in Courtroom 13 before Judge Edward F. Harrington. SO ORDERED. cc/cl(Holahan, Sandra) (Entered: 05/19/2005)

05/26/2005	<u>95</u>	SUMMONS Returned Executed AGM Marine Contractors, Inc. served on 5/20/2005, answer due 6/9/2005. (Holahan, Sandra) (Entered: 05/31/2005)
05/26/2005	<u>96</u>	SUMMONS Returned Executed Childs Engineering Corporation served on 5/23/2005, answer due 6/13/2005. (Holahan, Sandra) (Entered: 05/31/2005)
05/26/2005	<u>97</u>	WAIVER OF SERVICE Returned Executed Town of Provincetown waiver sent on 5/19/2005, answer due 7/18/2005. (Holahan, Sandra) (Entered: 05/31/2005)
05/26/2005	<u>98</u>	NOTICE of lawsuit and request for waiver of service of summons by Town of Provincetown (Holahan, Sandra) (Entered: 05/31/2005)
06/01/2005	<u>99</u>	NOTICE of Appearance by Leigh A. McLaughlin on behalf of Southeast Floating Docks, Inc. (Filed in open court) (Holahan, Sandra) (Entered: 06/02/2005)
06/01/2005	<u>10</u>	Town of Provincetown's Memorandum in Opposition to Plaintiff's Application for Stay of Arbitration and Enforcement of Arbitration Subpoenas (application is contained in Complaint) (Holahan, Sandra) (Entered: 06/02/2005)
06/01/2005	<u>11</u>	AFFIDAVIT of Richard T. Holland re <u>10</u> Memorandum in opposition by Town of Provincetown. (Attachments: # <u>1</u> Exhibit A-F (NOT SCANNED))(Holahan, Sandra) (Entered: 06/02/2005)
06/01/2005	<u>1</u>	Clerk's Notes for proceedings held before Judge Edward F. Harrington : Hearing re to Stay Arbitration Proceeding and Enforce Arbitration Subpoenas held on 6/1/2005: Counsel appear for all parties; Court hears arguments; Matters taken under advisement. (Court Reporter T. Gibson.) (Holahan, Sandra) (Entered: 06/02/2005)
06/02/2005	<u>12</u>	Judge Edward F. Harrington : ORDER entered. re <u>1</u> Complaint, filed by Southeast Floating Docks, Inc. SO

		ORDERED. cc/cl(Holahan, Sandra) (Entered: 06/02/2005)
06/02/2005	•	Civil Case Terminated. (Holahan, Sandra) (Entered: 06/02/2005)
06/16/2005	• <u>13</u>	First MOTION for Attorney Fees & <i>Costs & to Keep Case Open Pending Compliance with Court Order</i> by Southeast Floating Docks, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Caraballo, Tina) (Entered: 06/16/2005)
06/16/2005	• <u>14</u>	First MOTION for Bill of Costs by Southeast Floating Docks, Inc..(Caraballo, Tina) (Entered: 06/16/2005)
06/28/2005	• <u>15</u>	MEMORANDUM in Opposition re <u>13</u> First MOTION for Attorney Fees & <i>Costs & to Keep Case Open Pending Compliance with Court Order</i> filed by Town of Provincetown. (Attachments: # <u>1</u> Exhibit A-F (NOT SCANNED))(Holahan, Sandra) (Entered: 06/29/2005)
07/01/2005	• <u>16</u>	First MOTION for Contempt <i>Order & Sanctions</i> by Southeast Floating Docks, Inc.. (Attachments: # <u>1</u> Exhibit "A"# <u>2</u> Exhibit "B"# <u>3</u> Exhibit)(Hayes, Rosemary) (Entered: 07/01/2005)
07/05/2005	• <u>17</u>	AFFIDAVIT of Southeast Floating Docks, Inc. in Support re <u>16</u> First MOTION for Contempt <i>Order & Sanctions of Added Time Spent and Documents Produced</i> filed by Southeast Floating Docks, Inc.. (Attachments: # <u>1</u> Exhibit A)(Caraballo, Tina) (Entered: 07/05/2005)
07/07/2005	•	Judge Edward F. Harrington : Electronic ORDER entered denying <u>13</u> Motion for Attorney Fees, denying <u>14</u> Motion for Bill of Costs. MOTION DENIED. cc/cl (Holahan, Sandra) (Entered: 07/07/2005)
07/15/2005	• <u>18</u>	EMERGENCY MOTION to Seal by Town of Provincetown. (Attachments: # <u>1</u> Exhibit A-D (NOT SCANNED))(Holahan, Sandra) (Entered: 07/18/2005)

07/15/2005	19	***** (SEE NOTICE OF CORRECTION DATED 7/18/2005) MEMORANDUM in Support re <u>18</u> MOTION to Seal filed by Town of Provincetown. (Holahan, Sandra) Modified on 7/18/2005 (Holahan, Sandra). (Entered: 07/18/2005)
07/15/2005	20	AFFIDAVIT of David J. Doneski in Support re <u>18</u> MOTION to Seal filed by Town of Provincetown. (Attachments: # <u>1</u> Exhibit A-C (NOT SCANNED)) (Holahan, Sandra) (Entered: 07/18/2005)
07/15/2005	21	AFFIDAVIT of Richard T. Holland in Support re <u>18</u> MOTION to Seal filed by Town of Provincetown. (Holahan, Sandra) (Entered: 07/18/2005)
07/15/2005	22	CERTIFICATE OF CONSULTATION re <u>18</u> MOTION to Seal by Richard Thomas Holland on behalf of Town of Provincetown, Town of Provincetown (Holahan, Sandra) (Entered: 07/18/2005)
07/15/2005	23	MEMORANDUM in Opposition re <u>16</u> First MOTION for Contempt <i>Order & Sanctions</i> filed by Town of Provincetown. (Holahan, Sandra) (Entered: 07/18/2005)
07/18/2005		***** Notice of correction to docket made by Court staff. Correction: Document # 19 corrected because: pleading linked to wrong motion (Holahan, Sandra) (Entered: 07/18/2005)
07/18/2005		Judge Edward F. Harrington : Electronic ORDER entered granting <u>18</u> Motion to Seal. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 07/18/2005)
07/18/2005	24	SEALED DOCUMENT placed in secure file room.. (ATTACHMENT TO DOCUMENT #15) (Holahan, Sandra) (Entered: 07/18/2005)
07/18/2005		Judge Edward F. Harrington : Electronic ORDER

		entered denying <u>16</u> Motion for Contempt order & sanctions. MOTION DENIED. THE MATTER HAS BEEN DENIED. cc/cl (Holahan, Sandra) (Entered: 07/18/2005)
08/03/2005	● <u>25</u>	MOTION Final Appealable Order, Order on Impounded Documents, for Findings of Fact and Conclusions of Law and Alternative Motion for Time Extension by Southeast Floating Docks, Inc.. (Attachments: # <u>1</u> Exhibit A)(Caraballo, Tina) (Entered: 08/03/2005)
08/12/2005	● <u>26</u>	NOTICE OF APPEAL as to Order on Motion for Contempt, Order on Motion to Seal by Southeast Floating Docks, Inc.. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 9/1/2005. (Hayes, Rosemary) (Entered: 08/12/2005)
08/15/2005	● <u>27</u>	MEMORANDUM in Opposition re <u>25</u> MOTION Final Appealable Order, Order on Impounded Documents, for Findings of Fact and Conclusions of Law and Alternative Motion for Time Extension filed by Town of Provincetown. (Attachments: # <u>1</u> Exhibit A-D)(Holahan, Sandra) (Entered: 08/16/2005)
08/16/2005	●	Judge Edward F. Harrington : Electronic ORDER entered denying <u>25</u> Motion for entry of final appealable order, order on impounded documents, for findings of fact & conclusions of law, & alternative motion for time extension (Holahan, Sandra) (Entered: 08/16/2005)
08/17/2005	●	Filing fee: \$ 255.00, receipt number 66325 regarding notice of appeal (Holahan, Sandra) (Entered: 08/17/2005)

